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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,249	02/27/2002	Joseph Giordano	24124.000172	8236
7590 06/08/2011 Thomas J. Scott Intellectual Property Department Hunton & Williams 1900 K Street, N.W., Suite 1200 Washington, DC 20006-1109			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 06/08/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/083,249		GIORDANO ET AL.	
	Examiner		Art Unit	
	CLEMENT GRAHAM		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 23, 24, 26, 52-58, 60-62, 64-66, 68, 69 and 71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 23-24, 26, 52-58, 60-62, 64-66, 68-69, 71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) .
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/11 has been entered.

2. Claims 21, 23-24, 26, 52-58, 60-62, 64-66, 68-69, 71 remained pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 23-24, 26, 52-58, 60-62, 64-66, 68-69, 71, are rejected under 35 U.S.C.

103(a) as being unpatentable over by Kaehler et al (Hereinafter Kaehler 6, 089, 284) in view of Scott et al (Hereinafter Scott 6, 484,260).

As per claim 21, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information from a customer transponder to a point-of-sale device, wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof, electronically associating said transmitter identification data with said payment information (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said associated transmitter identification data and said payment information to a host transaction' processing system, associated with the a customer transponder into the transaction processing program by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and

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column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly teach electronically enrolling a user.

However Scott discloses a host system, such as a bank, a store, or a credit card company, implements this system, it would have the user register by presenting themselves with their PID and the required personal identification papers, which is no different than current methods of obtaining a bank card to access accounts with an ATM. The bank or other host system 30 would ask the user to complete a verify on their PID 6 and read the ID code and test the send and receive of the encryption codes. This would establish the public key with the bank and confirm the private key in PID 6. The user is now ready to use the system. Note that the bank does not have the user's fingerprint template--it only has the ID code and the public encryption key. Therefore there is no privacy issue regarding release of the user's fingerprint template. (see column 11 lines 46-59 and column 1 lines 46-65 and column 2 lines 44-67 and column 6 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include electronically enrolling a user taught by Scott in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 23, Kaehler discloses further comprising transmitting additional customer information to Said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 24, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information from a customer transponder at one of a plurality of point-of-sale devices, wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said

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transmitter identification data and said payment information to a host transaction processing system (see column 12 lines 28 -65 and column 19 lines 3-67) electronically assigning a unique customer identifier that corresponds to said transmitter identification data see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-65 and fig: 9) associating said unique customer identifier, said transmitter identification data and said payment information and comprising said associated unique customer identifier, transmitter identification data and said payment information, associated with the a customer transponder into the transaction processing program by storing enrollment data comprising said associated unique customer identifier, transmitter identification data and payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly teach electronically enrolling a user.

However Scott discloses a host system, such as a bank, a store, or a credit card company, implements this system, it would have the user register by presenting themselves with their PID and the required personal identification papers, which is no different than current methods of obtaining a bank card to access accounts with an ATM. The bank or other host system 30 would ask the user to complete a verify on their PID 6 and read the ID code and test the send and receive of the encryption codes. This would establish the public key with the bank and confirm the private key in PID 6. The user is now ready to use the system. Note that the bank does not have the user's fingerprint template--it only has the ID code and the public encryption key. Therefore there is no privacy issue regarding release of the user's fingerprint template. (see column 11 lines 46-59 and column 1 lines 46-65 and column 2 lines 44-67 and column 6 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include electronically enrolling a user taught by Scott in order to provide mobile subscribers who have been identified as being likely candidates for churning to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 26, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer

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information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 52, Kaehler further comprising:
providing the customer transponder associated with the transmitter identification data to a customer (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 53, Kaehler discloses wherein the providing the customer transponder and receiving the transmitter data and payment information occurs at a merchant location (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 54, Kaehler discloses further comprising:
providing the customer transponder associated with the transmitter identification data to a customer (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 55, Kaehler discloses wherein the providing the customer transponder and receiving the transmitter data and payment information occurs at a merchant location (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 56, Kaehler discloses further comprising:
verifying the payment information (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 57, Kaehler discloses further comprising:
verifying the payment information (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 58, Kaehler discloses a system, comprising:
a merchant reader that receives transmitter identification data and payment information, electronically associates said transmitter identification data with said payment information, and transmits said associated transmitter identification data and said payment information to a host transaction processing system wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof, associated with a customer transmitter by storing enrolment data comprising said associated transmitter identification data and said payment information in said host transaction processing system data enrolls user (see column 39

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lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly a host processing system that receives said transmitted information.

However Scott discloses a host system, such as a bank, a store, or a credit card company, implements this system, it would have the user register by presenting themselves with their PID and the required personal identification papers, which is no different than current methods of obtaining a bank card to access accounts with an ATM. The bank or other host system 30 would ask the user to complete a verify on their PID 6 and read the ID code and test the send and receive of the encryption codes. This would establish the public key with the bank and confirm the private key in PID 6. The user is now ready to use the system. Note that the bank does not have the user's fingerprint template--it only has the ID code and the public encryption key. Therefore there is no privacy issue regarding release of the user's fingerprint template. (see column 11 lines 46-59 and column 1 lines 46-65 and column 2 lines 44-67 and column 6 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include a host processing system that receives said transmitted information taught by Scott in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, Visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 60, Kaehler discloses wherein said merchant reader receives additional customer information and transmits the additional customer information to said host transaction processing system, and wherein said host transaction processing system associates said additional customer information with said transmitter identification data and said payment information, and stores said associated additional customer information, transmitter identification data and said payment information(see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 61, Kaehler discloses wherein said merchant reader is associated with a point-of-sale device. (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 62, Kaehler discloses a system, comprising:
a merchant reader that receives transmitter identification data and payment information and

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transmits said transmitter identification data and said payment information to a host transaction processing system, wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) and a host transaction processing system that electronically assigns a unique customer identifier that corresponds to said transmitter identification data associates said unique customer identifier (see column 12 lines 28 -65 and column 19 lines 3-67) said transmitter identification data and said payment information, associated with a customer transmitter into the transaction processing program by storing enrollment data comprising said associated unique customer identifier, transmitter identification data and payment information and enrolls a user associated with a customer transmitter by storing enrollment data comprising said associated unique customer identifier transmitter identification data and payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

As per claim 64, Kaehler discloses wherein said merchant reader receives additional customer information and transmits the additional customer information to said host transaction processing system, and wherein said host processing system associates said additional customer information with said transmitter identification data and said payment information, and stores said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 65, Kaehler discloses wherein said merchant reader is associated with a point-of-sale device. (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 66, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information at a point-of-sale device wherein said payment information corresponds to a credit card, debit card or bank account or a combination thereof, automatically associating said transmitter identification data with said payment information (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines

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1-67 and fig: 9) transmitting said associated transmitter identification data and said payment information to a host transaction processing system(see column 12 lines 28 -65 and column 19 lines 3-67) and. (see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-65 and fig: 9).

Kaehler fail to explicitly teach automatically enrolling a user.

However Scott discloses a host system, such as a bank, a store, or a credit card company, implements this system, it would have the user register by presenting themselves with their PID and the required personal identification papers, which is no different than current methods of obtaining a bank card to access accounts with an ATM. The bank or other host system 30 would ask the user to complete a verify on their PID 6 and read the ID code and test the send and receive of the encryption codes. This would establish the public key with the bank and confirm the private key in PID 6. The user is now ready to use the system. Note that the bank does not have the user's fingerprint template--it only has the ID code and the public encryption key. Therefore there is no privacy issue regarding release of the user's fingerprint template. (see column 11 lines 46-59 and column 1 lines 46-65 and column 2 lines 44-67 and column 6 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include automatically enrolling a user taught by Scott in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better" meeting the subscriber's needs.

As per claim 68, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and~ said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 69, Kaehler discloses a method for enrolling users in a transaction processing program, comprising: receiving transmitter identification data and payment information at one of a plurality of point-of-sale device, wherein said payment information corresponds to a credit

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card, debit card or bank account or a combination thereof (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said transmitter identification data and said payment information to a host transaction processing system (see column 12 lines 28-65 and column 19 lines 3-67) automatically assigning a unique customer identifier that corresponds to said transmitter identification data (see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-65 and fig: 9) associating said unique customer identifier, said transmitter identification data and said payment information, associated with a customer transponder into the transaction processing program by storing enrollment data and comprising said associated unique customer identifier, transmitter identification data and payment information in said host transaction processing system (see column 39 lines 28-36 and column 12 lines 28-64 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly teach automatically enrolling a user.

However Scott discloses a host system, such as a bank, a store, or a credit card company, implements this system, it would have the user register by presenting themselves with their PID and the required personal identification papers, which is no different than current methods of obtaining a bank card to access accounts with an ATM. The bank or other host system 30 would ask the user to complete a verify on their PID 6 and read the ID code and test the send and receive of the encryption codes. This would establish the public key with the bank and confirm the private key in PID 6. The user is now ready to use the system. Note that the bank does not have the user's fingerprint template--it only has the ID code and the public encryption key. Therefore there is no privacy issue regarding release of the user's fingerprint template. (see column 11 lines 46-59 and column 1 lines 46-65 and column 2 lines 44-67 and column 6 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include automatically enrolling a user taught by Scott in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

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As per claim 71, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

Conclusion

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed 4/22/2011 has been fully considered but they are moot in view of new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENT GRAHAM whose telephone number is (571)272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit
3691

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June 1, 2011